

AMENDED IN ASSEMBLY JUNE 8, 2000

AMENDED IN SENATE MARCH 28, 2000

SENATE BILL

No. 1473

**Introduced by Senators Johnson, Kelley, Lewis, McPherson,
Monteith, Polanco, Poochigian, and Rainey**

February 10, 2000

An act to amend Section 625.3 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1473, as amended, Johnson. Juveniles: firearms.

Existing law requires that a minor who is 14 years of age or older who is taken into custody for personal use of a firearm in the commission or attempted commission of a felony or other specified offenses be brought before a judicial officer for assessment.

This bill would amend the above provisions to instead apply when a minor 14 years of age or older is taken into custody for possession or use of a firearm in the commission or attempted commission of ~~a~~ *any* felony or a misdemeanor, *or is taken into custody for the commission or attempted commission of any of specified offenses the alleged commission of which create a presumption that the minor is not fit to be trusted under the juvenile court law, except as specified.* The bill would require, at the time the minor is brought before a judicial officer, that the judicial officer assess the minor's mental health status, and order the continued detention of the minor if the judicial officer concludes that the minor poses a danger to himself or

herself, or to the public. Because this bill increases the duties of local officials, it would impose a state-mandated local program. Because this bill would amend provisions of Proposition 21, an initiative statute, it would require a $\frac{2}{3}$ vote for enactment.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 625.3 of the Welfare and
2 Institutions Code is amended to read:
3 625.3. Notwithstanding Section 625, a minor who is 14
4 years of age or older and who is taken into custody by a
5 peace officer for the personal use or possession of a
6 firearm in the commission or attempted commission of
7 any felony or misdemeanor, *or is taken into custody for*
8 *the commission or attempted commission of any offense*
9 *listed in subdivision (b) of Section 707*, shall not be
10 released until that minor is brought before a judicial
11 officer. At the time the minor is brought before a judicial
12 officer, the judicial officer shall assess the minor's mental
13 health status, and shall order the minor to continue to be
14 detained and a mental health evaluation conducted in
15 accordance with Article 3 (commencing with Section
16 6550) of Chapter 2 of Part 2 of Division 6, if the judicial
17 officer concludes that the minor poses a danger to the
18 safety of himself or herself, or to the public. Any firearm



1 found on the person of a minor subject to this section shall
2 be confiscated.

3 *This section shall not apply to any misdemeanor offense*
4 *in violation of any provision of law, or regulation*
5 *thereunder, in the Fish and Game Code.*

6 SEC. 2. Notwithstanding Section 17610 of the
7 Government Code, if the Commission on State Mandates
8 determines that this act contains costs mandated by the
9 state, reimbursement to local agencies and school
10 districts for those costs shall be made pursuant to Part 7
11 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the
13 claim for reimbursement does not exceed one million
14 dollars (\$1,000,000), reimbursement shall be made from
15 the State Mandates Claims Fund.

